

REMARKS

Claims 1-13, 16-19, 23-44, 47-50, 54-76, 79-82 and 86-106 are pending in the application.

Claims 95, 96, 98, 99, 101 and 102 have been are allowed.

Claims 1-4, 7-13, 16-19, 23-26, 44, 47-50, 54-57, 60-76, 79-82, 86-89, 92-94, 97, 100, 103-106 are rejected.

Claims 5, 6, 27, 28, 36, 37, 58, 59, 68, 69, 90 and 91 are object to.

Independent Claims 1, 23, 32, 54, 64, 86, 104, 105 and 106 have been amended, as set forth herein.

Dependent Claims 5, 6, 9, 19, 27, 28, 31, 36, 37, 40, 50, 58, 59, 62, 68, 69, 72, 82, 90, 91 and 94 have been amended solely for consistency and formality reasons.

Previously allowed Claims 95, 96, 98, 99, 101 and 102 have been amended solely for consistency and formality reasons.

The Applicant thanks the Examiner for the indication that Claims 95-96, 98-99 and 101-102 are allowed.

I. **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-4, 7, 8, 10-13, 16, 23-26, 29, 30, 32-35, 38, 39, 41-44, 47, 54-57, 60, 61, 64-67, 70, 71, 73-76, 79, 86-89, 92, 93, 97, 100 and 103 were rejected under 35 U.S.C. § 102(e) as being anticipated by Sakamoto, et al. (US 6,075,767). The rejection is respectfully traversed.

At the onset, Applicant notes that Claims 97, 100 and 103 correspond to Claims 29, 60 and 92 (rewritten in independent format) indicated as allowable in the prior Office Action (dated October 23, 2002). The present Office Action now rejects these claims (in the introductory rejection paragraph), though the Office Action does not specifically identify or point to portion(s) in Sakamoto that anticipate the claims. As a result, Applicant can only assume that Claims 97, 100 and 103 are allowable. If this is incorrect, Applicant respectfully requests that the next Office Action particularly point out the portion(s) of Sakamoto that anticipate these Claims 97, 100 and 103.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Applicant has amended independent Claims 1, 23, 32, 54, 64, 86, 104, 105 and 106 to recite that the first physical device is “operable for interfacing to a network” and that the second physical device is “operable for interfacing to the network”. See, amended Claims. Sakamoto fails to disclose that its line interface cards 1-1 and 1-2 (and interpreted by the Office Action as Applicant’s first and second physical interfaces, respectively) are operable for interfacing with a network. Sakamoto’s line interface cards 1-1 and 1-2 (and line interface circuits 15) are each connected to separate transmission paths 7-1 and 7-2. See, Figure 1. Moreover, Sakamoto recites a “selector card

for selecting an output from either one of the line interface circuits and supplying the output to an input port of an ATM switch.” Col. 7, lines 44-47. Therefore, Sakamoto fails to anticipate Applicant’s claimed invention which recites that the first physical interface is operable for interfacing to a network and the second physical interface is operable for interfacing to the network.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(e) rejection of Claims 1-4, 7, 8, 10-13, 16, 23-26, 29, 30, 32-35, 38, 39, 41-44, 47, 54-57, 60, 61, 64-67, 70, 71, 73-76, 79, 86-89, 92, 93, 97, 100 and 103.

II. REJECTION UNDER 35 U.S.C. § 103

Claims 9, 31, 40, 62, 72 and 94 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakamoto, et al. (US 6,075,767) as applied to Claims 1 and 23, respectively above, and further in view of Sakamoto, et al. (US 5,903,544). Claims 17-19, 48-50 and 63 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakamoto, et al. (US 6,075,767) as applied to Claim 1 above, and further in view of Mahalingam, et al. (US 6,208,616). The rejections are respectfully traversed.

For the reasons set forth above in response to the § 102(e) rejection above, Applicant respectfully submits that none of the references, taken alone or in combination, teach or suggest Applicant’s claimed invention. Moreover, Sakamoto (5,903,544) at Col. 6, lines 50-60 recites interface circuits that each accommodate a respective redundant (and separate) transmission path, or that each accommodate a respective nonredundant (and separate) transmission path.

Accordingly, Sakamoto fails to disclose, teach or suggest a first physical interface operable for interfacing to a network and a second physical interface operable for interfacing to the network.

Accordingly, the Applicant respectfully requests withdrawal of the § 103(a) rejections of Claims 9, 17-19, 31, 40, 48-50, 62, 63, 72 and 94.

III. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

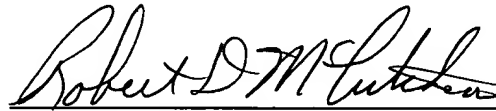
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 8/6/2003



Robert D. McCutcheon
Registration No. 38,717

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3632 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: *rmccutcheon@davismunck.com*